IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT

JULY TERM, A.D. 1968

WEDNESDAY, NOVEMBER 6, 1968

Case No. 67-1035

D. H. OVERMYER WAREHOUSE COMPANY, an Ohio corporation, ET AL., *Appellants,*

v.

FLORIDA STEEL CORPORATION, a Florida corporation, *Appellee.*

This cause having come before the court on appellants' motion to stay mandate and supplemental motion and appellee's responses thereto and on consideration thereof after the Supreme Court of Florida has held it has no jurisdiction to review on Certiorari this Court grants a 30 day stay for the filing of a petition for certiorari in the U. S. Supreme Court, and if so filed, then until the matter is finally disposed of by that court.

IN THE SUPREME COURT OF FLORIDA

JULY TERM, A.D. 1968

THURSDAY, OCTOBER 31, A.D. 1968

On consideration of the Petition for Rehearing filed by Attorneys for Petitioners,

IT IS ORDERED by the Court that said petition be, and the same is hereby, denied.

IN THE SUPREME COURT OF FLORIDA

Case No. 37,595

Petition for Rehearing

Petitioners respectfully file this Petition for Rehearing on the grounds that the Court overlooked or failed to recognize that the District Court of Appeal in its decision erroneously concluded that Petitioners' appeal in that Court was based solely upon evidentiary material attached to the appeal brief as exhibits, whereas said exhibits contained (for convenience of the Court) matters of law of which the Court has judicial knowledge; and that the quashing of the appeal without a hearing effectively denied Petitioners their right of an appeal guaranteed by the Constitutions of Florida and the United States; and that the decision was in direct conflict with a long line of decisions in this Court holding that litigants have a right of appeal guaranteed by the Constitution.

WHEREFORE, Petitioners respectfully move for a rehearing, and upon rehearing, to consider whether Petitioners have the right to be heard on the merits of their appeal.

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT

JANUARY TERM, A.D. 1968

WEDNESDAY, JUNE 26, 1968

Counsel for appellants having filed in this cause petition for rehearing, and same having been considered by the court which determined the cause, it is ordered that said petition be and it is hereby denied.

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT

Application for Rehearing

Appellants respectfully move for a rehearing in this cause on the following grounds:

1. The Court by omission or oversight failed to recognize that the matters and things attached to the Brief as exhibits were not evidenced for consideration in the cause but consisted of ordinances, regulations or laws of which the Court should take judicial knowledge.

2. The Court by omission or oversight failed to recognize that Appellants are entitled to an adjudication of their asserted rights under the applicable ordinances, regulations and laws of which this Court should take judicial knowledge, and that denial of the rights of Appellants to an adjudication of said rights is a denial of right of appeal guaranteed by the Constitution of the State of Florida and the Constitution of the United States of America.

3. The Court by omission or oversight failed to recognize that the Court's refusal to render an adjudication of the rights asserted by Appellants is a denial of due process

of law guaranteed by the Constitution of the State of Florida and the Constitution of the United States of America.

4. The Court by omission or oversight failed to recognize that the ordinances, regulations and laws relied upon by Appellants became a part of the contract between the parties as a matter of law and that denial of Appellants' asserted rights, or a refusal to consider Appellants' claims is violative of constitutional due process of law.

Dated this 7 day of June, 1968.

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT

JANUARY TERM, A.D. 1968

WEDNESDAY, MAY 29, 1968

The court having examined the briefs submitted and it appearing that the court has heretofore considered a motion of the appellee to strike appellants' brief and has stricken the exhibits attached thereto as not being a part of the record on appeal, and it further appearing that inas much as said exhibits are not a part of the record on appeal, the points presented upon appeal may not be considered by the court; therefore, the appeal is frivolous, whereupon, this appeal is quashed.

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT

JANUARY TERM, A.D. 1968

WEDNESDAY, MARCH 27, 1968

This cause having come on for hearing on appellee's motion to strike appellants' brief, and the court having considered same, it is ordered that said motion is granted in part, as to the challenged exhibits attached to appellant's brief and such exhibits are hereby stricken.

It is further ordered that appellee's motion to quash appeal is denied.

The South Florida Building Code

1957 EDITION

Adopted October 29, 1957
BOARD OF COUNTY COMMISSIONERS,
Dade County, Florida

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BOARD OF COUNTY COMMISSIONERS,
Dade County, Florida

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Ordinance No. 57-22

AN ORDINANCE TO BE ENTITLED

AN ORDINANCE ADOPTING THE SOUTH FLORIDA BUILDING CODE FOR BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF DADE COUNTY, SUCH CODE CONSISTING OF FOURTEEN PARTS ENTITLED AS FOLLOWS: ADMINISTRATIVE, DEFINITIONS, REQUIREMENTS BASED ON OCCUPANCY, REQUIREMENTS BASED ON LOCATION IN FIRE

ZONES, TYPES OF CONSTRUCTION, ENGINEERING AND CONSTRUCTION REGULATIONS, DETAILED REGULATIONS, FIRE-RESTRICTIVE STANDARDS AND PROTECTION, SIGNS, AWNINGS, CANOPIES AND TENTS, ELECTRICAL, PLUMBING AND GAS, MECHANICAL VENTILATION, SWIMMING POOLS AND CERTAIN ADDENDA ATTACHED THERETO; AND REPEALING ALL COUNTY AND MUNICIPAL ORDINANCES AND RESOLUTIONS, MUNICIPAL CHARTERS, SPECIAL LAWS, AND GENERAL LAWS WHERE AUTHORIZED BY THE CONSTITUTION IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD:

Section 1. The "South Florida Building Code" attached to this ordinance as Exhibit A and made a part hereof is hereby adopted as the building code for both the incorporated and unincorporated areas of Dade County, Florida.

Section 2. Any reference in this Building Code to "building official" is hereby changed to "Director of the Dade County Zoning and Building Department" and any reference in this Code to "appointing authority" or "legislative authority" is hereby changed to "Board of County Commissioners."

Section 3. If any section, subsection, sentence, clause, provision, or part of this ordinance, including the Exhibit attached hereto and made a part hereof, shall be held invalid for any reason, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Section 4. All county and municipal ordinances, county and municipal resolutions, municipal charters, special laws applying to this county and general laws applying only to this county or any general law which this commission is specifically authorized by the Constitution to supersede, nullify or amend, or any part of any such ordinance, resolution, charter or law in conflict with any provision contained herein are hereby repealed.

Section 5. This ordinance shall become effective December 31, 1957.

PASSED AND ADOPTED OCTOBER 29, 1957.

PART I
ADMINISTRATIVE

CHAPTER 1
TITLE AND SCOPE

101 Title
102 Purpose
103 Scope
104 Application to Existing Buildings
105 Maintenance of Buildings and Property

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101 TITLE

This compilation of rules shall be known as "The South Florida Building Code," may be cited as such, or as the "Building Code" (prefixing the name of the legislative body adopting it by ordinance) and will be referred to hereinafter as "this Code."

102 PURPOSE

The purpose of this Code is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, to provide for the safety of workers and others during these operations and to regulate the equipment, materials, use and occupancy of all buildings and/or structures. The provisions of this Code shall be deemed to supplement any and all State laws of the State of Florida relating to building.

Amended 19 February 1962

Chapter 28
Steel and Iron

2801 General
2802 Material
2803 Design Loads
2804 Minimum Thickness of Material
2805 Connections
2806 Pipe Columns
2807 Protection of Metal
2808 Open-Web Steel Joists
2809 Light-Gage-Steel Construction

2801 General

2801.1 Design: Steel and iron members shall be designed by methods admitting of rational analysis according to established principes of mechanics.

2801.2 Scope: The design, fabrication and erection of steel and iron for buildings and other structures shall be as set forth in this chapter. The requirements set forth in Sections 2801 through 2807, inclusive herein, are applicable to structural steel for buildings and other structures and do not apply to steel joints, members formed of flat-rolled sheet or strip steel, light-gage-steel construction, skylights, marquees (except structural frame) or other miscellaneous light-steel construction.

Manual of Steel Construction

SIXTH EDITION

First Revised Printing
Price: $7.00

American Institute of Steel Construction, Inc.
101 Park Avenue, New York 17, N. Y.
(SEAL)

1.23.8 TOLERANCES

1.23.8.1 STRAIGHTNESS

Structural members consisting primarily of a single rolled shape shall, unless otherwise specified, be straight within the appropriate tolerances allowed by ASTM Specification A6 or as prescribed in the following paragraph. Built-up structural members fabricated by riveting or welding, unless otherwise specified, shall be straight within the tolerances allowed for wide flange shapes by ASTM Specification A6 or by the requirements of the following paragraph.

Compression members shall not deviate from straightness by more than 1/1000 of the axial length between points which are to be laterally supported.

Completed members shall be free from twists, bends and open joints. Sharp kinks or bends shall be cause for rejection of material.

(h) TOLERANCES

Some variation is to be expected in the finished overall dimensions of structural steel frames. Unless otherwise specified, such variations are deemed to be within the limits of good practice when they are not in excess of the accumulative effect of the fabricating tolerances for finished parts permitted in Sect. 1.23.8 of the AISC Specification for the Design, Fabrication and Erection of Structural

Steel for Buildings, and the rolling tolerances for profie dimensions permitted under ASTM Specification A6, General Requirements for Delivery of Rolled Plates, Shapes, Sheet Piling and Bars for Structural Use.

In the erection of structural steel for structures other than bridges and multi-story tier buildings and individual pieces are considered plumb, level and aligned if the error does not exceed 1:500.

Building Failures

Case Studies in Construction and Design

THOMAS H. MCKAIG
Consulting Esgineers

MCGRAW-HILL BOOK COMPANY (1962)
New York Toronto London

BROOKLYN THEATER—BROOKLYN, N. Y.

A typical instance of a structure that, if properly braced, would have been perfectly safe, was the Brooklyn Theater,[38] which failed November 29, 1921, causing the death of seven men. The building, about 80 x 160 ft in plan of the main portion, was designed for a seating capacity of about 1,800.

[Drawing not reproduced for Supreme Court]

Fig. 3.6. Approximate plan of Brooklyn Theater before collapse

The transverse trusses, 1 through 8 in Fig. 3.6, were spaced about 16 ft on centers, and over the top of the trusses were 6-in. channel purlins, cantilevered out about 20 in. as shown to pick up short purlins on a simple span. Over the trusses was the roof of reinforced clay tile. Four of the eight trusses were carried on brick piers built integral with the wall. Three of the others (Fig. 3.7) were carried on top of a longitudinal truss (Fig. 3.8), truss 1 being supported on a double strut to the top of the column which carried the longitudinal truss.

Apparently the only faulty design, aside from the lack of bracing, lay in the fact that this main column was not anchored to the concrete footing. Although holes were provided in the base plates of the transverse trusses, they were not anchored to the pilasters on which they were carried. There was no diagonal bracing whatsoever between the trusses and there was one line of strut bracing near the center of the lower chord.

Investigation showed that the collapse had been precipitated by the base of the main column kicking out, dropping

[Drawings not reproduced for Supreme Court]

Fig. 3.7. Side elevation of lateral trusses of Brooklyn Theater

Fig. 3.8. Side elevation of longitudinal truss of Brooklyn Theater

all of the trusses so that they lay in the position shown in Fig. 3.9. Apparently the trusses went down in pairs, as tied together by the purlins (Fig. 3.10). The pilaster which held the end of the longitudinal truss was broken, but the end of the truss remained in place. The wall of the offset fell, and one other pilaster, as shown on the plan, (Fig. 3.9) was broken. All of the other pilasters remained intact and the trusses slid off the bearing plates. The double angle strut, which supported truss 1, was bent double with the back of the angles against each other. The trusses scraped the inside of the pilaster while falling in only three places in the building. In all others, the end of the truss fell completely clear of the wall. In general, very few of the main members were broken in the fall, except in the web members of the trusses.

It is difficult to determine what triggered the failure. There was some indication that the failure of the pilaster at the north end of column 5 may have caused a slight jolt which kicked the column out at the far end of the longitudinal truss, or it may have been that some extraneous cause brought about a vibration which jolted the column and caused the collapse.